

**RESOLUTION 2016-05 OF THE WHITESTOWN REDEVELOPMENT COMMISSION
AMENDING THE ECONOMIC DEVELOPMENT PLAN FOR THE PERRY
INDUSTRIAL PARK ECONOMIC DEVELOPMENT AREA NO. 1**

WHEREAS, on February 25, 2005, the Whitestown Redevelopment Commission (the “Commission”) of the Town of Whitestown, Indiana (the “Town”) adopted its Declaratory Resolution (the “Original Declaratory Resolution”) and Economic Development Plan for the Perry Industrial Park Economic Development Area No. 1 (the “Original Plan”); and

WHEREAS, the Original Declaratory Resolution and the Original Plan were subsequently approved by the Boone County Area Plan Commission and Town Council of the Town, and following a public hearing thereon, the Original Declaratory Resolution and the Original Plan were confirmed by the Commission on June 15, 2005; and

WHEREAS, the Original Declaratory Resolution and the Original Plan, as confirmed by the Commission, established the Perry Industrial Park Economic Development Area No. 1 (the “Area”) in the Town as an economic development area under Indiana Code 36-7-14 and 36-7-25 (collectively, the “Act”) and as an allocation area under Indiana Code 36-7-14-39; and

WHEREAS, on February 26, 2007, the Commission adopted a resolution amending the Original Plan for the Area to add certain additional projects to be implemented under the Original Plan and to increase the cost estimates for projects to be undertaken pursuant to the Original Plan; and

WHEREAS, the Commission has conducted an investigation and made studies of the Area and has determined that the Original Plan should be further amended for purposes of including additional projects to be undertaken pursuant to the Original Plan including the acquisition, construction, and equipping of (i) a fire station which may include fire headquarters, (ii) certain emergency and public safety equipment, vehicles and facilities, (iii) certain economic development projects, (iv) various utility, site improvements, construction of roads, sidewalks, landscaping, trails and related improvements, and (v) certain other related and non-related local public improvements (the “Additional Projects”); and

WHEREAS, the Commission has further determined that the cost estimates for the projects included under the Original Plan should be increased by \$10,000,000 to account for the Additional Projects; and

WHEREAS, the Commission finds that the Additional Projects will be of public utility and benefit to the Area and the Town, based upon the expected economic development benefits resulting therefrom, and that the construction of the Additional Projects is necessary to assure development in the Area; and

WHEREAS, the Commission finds that the Original Declaratory Resolution, as amended to date (the “Declaratory Resolution”) and Original Plan, and amended to date (the “Plan”) should be amended as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION THAT:

Section 1. The foregoing recitals are hereby incorporated by reference.

Section 2. Section 8 of the Original Declaratory Resolution is hereby amended and restated as follows:

“The Commission estimates that the cost of implementing the Plan will be approximately Twenty Nine Million Dollars (\$29,000,000).”

Section 3. The Plan is hereby amended as follows under the subheading *Perry Industrial Park Infrastructure Projects* of the heading *Economic Development Projects*:

- (1) the costs estimates reflected for the Perry Industrial Park are hereby amended to include an additional \$10,000,000 of project costs as a separate line item titled “additional local public improvements,” to reflect additional costs of the acquisition, construction, and equipping of: (i) a fire station which may include fire headquarters, (ii) certain emergency and public safety equipment, vehicles and facilities, (iii) certain economic development projects, (iv) various utility, site improvements, construction of roads, sidewalks, landscaping, trails and related improvements, and (v) certain other related and non-related local public improvements; and
- (2) the Total Estimated Cost of All Projects on page 18 and page 19 of the Plan is hereby amended to reflect a date of September 6, 2016 for the estimate and a cost estimate of \$28,988,000.

Section 4. The amendments herein authorized are reasonable and appropriate when considered in relation to the Declaratory Resolution, the Plan and the purposes of the Act. The amendments are necessary to carry out the projects contemplated under the Declaratory Resolution and Plan as originally adopted and as hereby amended

Section 4. The Plan, as hereby amended:

- (a) Promotes significant opportunities for the gainful employment of the citizens within the Area and the Town of Whitestown Redevelopment District;
- (b) Assists in the attraction of major new business enterprises in the Town;
- (c) Benefits the public health, safety, morals and welfare of the citizens of the Town;
- (d) Increases the economic well-being of the Town and the State of Indiana; and

- (e) Serves to protect and increase property values in the Town and the State of Indiana.

Section 5. The Plan, as hereby amended, cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under the Act because of the lack of local public improvements and other similar conditions, specifically: the cost of infrastructure improvements needed to serve the Area, including (i) obtaining safe, reliable, efficient and reasonable access to the Area, (ii) providing adequate utility and public safety service to the Area, (iii) reasonable and appropriate local public improvements to serve the Area and (iv) economic development project facility improvements, prevents the improvements from being accomplished by private enterprise and there is no regulatory process available to build infrastructure or provide incentives to encourage economic growth in the Area.

Section 6. The public health and welfare will be benefited by the accomplishment of the Plan, as hereby amended to include the Additional Projects.

Section 7. The accomplishment of the Plan, as hereby amended to include the Additional Projects, will be of public utility and benefit as measured by:

- (a) The attraction or retention of permanent jobs;
- (b) An increase in the property tax base; and
- (c) An improved diversity of the economic base.

Section 8. The Plan, as hereby amended to include the Additional Projects, conforms to other development and redevelopment plans for the Town.

Section 9. The Commission does not plan to acquire any parcels of property in the Area. No residents of the Area will be displaced by any project for the Area including the Additional Projects; and, therefore, the Commission finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents, if any, in the Area.

Section 10. The Commission estimates the additional cost of implementing the Plan, as hereby amended to include the Additional Projects, will be approximately \$29,000,000.

Section 11. The Commission hereby affirms its designation of the Area as an allocation area pursuant to Indiana Code 36-7-14-39.

Section 12. All of the rights, powers, privileges, and immunities that may be exercised by the Commission in a redevelopment area or urban renewal area may be exercised by the Commission in the Area, subject to the limitations of Indiana Code 36-7-14-43.

Section 13. The presiding officer of the Commission is hereby authorized and directed to submit this resolution and the Plan, as hereby amended to the Whitestown Plan Commission (the "Plan Commission") for its approval.

Section 14. The Commission also directs the presiding officer, after receipt of the written order of approval of the Plan Commission which has been approved by the Town Council of the Town to publish notice of the adoption and substance of this resolution in accordance with Indiana Code 5-3-1-4 and to file notice with the Plan Commission, Board of Zoning Appeals, Board of Public Works, Park Board, the building commissioner and any other departments or agencies of the Town concerned with unit planning, zoning variances, land use or the issuance of building permits. The notice must state that maps and plats have been prepared and can be inspected at the office of the Town's department of redevelopment and must establish a date when the Commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed project and will determine the public utility and benefit of the proposed Additional Projects.

Section 15. The Commission further directs the presiding officer to submit this resolution to the Town Council of the Town for its approval.

Section 16. All resolutions and parts of resolutions in conflict herewith are hereby repealed. The provisions of the Declaratory Resolution not amended hereby shall remain in full force and effect.

Section 17. The amendments made to the Declaratory Resolution hereby are reasonable and appropriate when considered in relation to the Declaratory Resolution, the Plan and the purposes of the Act.

Section 18. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

Section 19. This resolution shall be in full force and effect from and after its passage.

Adopted September 6, 2016.

WHITESTOWN REDEVELOPMENT COMMISSION

Sarah Ford, President

Bryan Brackemyre, Vice-President

Megan Swain, Secretary

Susan Austin, Member

Kyle Weathers, Member